

## REMARKS

The present amendment is responsive to the Office Action mailed in the above-referenced case on March 14, 2003. Claims 1-4, 7-9 and 13-17 are presented below. Claims 1-4, 7-9 and 13-17 are rejected under 35 U.S.C. 102 (e) as being anticipated by Goodman (U.S. 5,844,596), hereinafter Goodman.

Claims 1, 2 and 7 are rejected under the judicially created doctrine of double patenting over claim 1 of U.S. patent No. 6,167,120. In response, applicant herein submits with the present Response a terminal disclaimer in compliance with 37 CFR 1.321 (c) to overcome the rejection.

Applicant has carefully studied the prior art of Goodman, particularly the portions cited and applied by the Examiner, the Examiner's rejections, statements, including the response to arguments portion of the Office Action.

Applicant points out that the present Response is the eighth such response filed in the present case. The present art of Goodman has been repeatedly argued by applicant, but fails to persuade the Examiner. Therefore, applicant herein provides a Declaration under 37 C.F.R. Section 1.132 providing an Affidavit by Richard Belgard, an established expert in the art. Mr. Belgard's credentials are very impressive as disclosed in the Affidavit and he should suffice as an expert in the field. Applicant believes arguments presented by applicant and supported by said Affidavit will overcome the art of Goodman.

Regarding claim 1, the Examiner states that Goodman discloses a networking system for a home or business site comprising: a bridge adapter unit [see Goodman item 400] having an inlet port for receiving public

network protocol signals [see Goodman Col. 8, lines 9-10]; and a telephone wiring structure in the site, the wiring structure having multiple end points and one or more junctions [see Goodman Col. 8, lines 1-25], and connected at a single port to an outlet port of the bridge adapter unit; characterized in that the bridge adapter unit drives the telephone wiring structure according to a local area network (LAN) protocol, translates the public network protocol signals to the LAN protocol, and modulates the signals in a manner to correct signal variations at the end points due to having multiple end points driven from a single point at the bridge adapter unit, (See applicant's specification on page 9, lines 12-25, Col. 24, lines 8-16, Col. 31, lines 26-30, Col. 60, lines 15-29, Col. 67, lines 30-57]. The Examiner states by this rational claim 1 is rejected.

Applicant points out to the Examiner that it is the actual claim language of applicant's invention which Goodman must anticipate, not the cited portions of applicant's specification produced above by the Examiner. Applicant's claim 1, as amended, specifically recites; "*the bridge adapter unit drives the telephone wiring structure according to a Local Area Network (LAN) protocol, translates the public network protocol signals to the LAN protocol, and modulates the signals in a manner to correct signal variations at the end points due to having multiple end points driven from a single point at the bridge adapter unit.*"

Applicant has previously argued that nowhere in the above disclosure of Goodman, cited by the Examiner, is there any teaching of converting incoming signals to a LAN protocol by a Bridge Unit as claimed.

The Examiner responds to the above argument on page 9 of the present Office Action stating that it is the Examiner's position that the bridge adapter unit does in fact teach a system in which the transceiver/switch processes signals (network protocol signals) on different

selected wire pairs leading to the local network [See Goodman, Col. 11, lines 45-55]. The Examiner continues to states; "These signals also convert those signals to which protocol that is being used by the local area networks [see Goodman, Col. 13, lines 5-42, Col. 15, lines 4-12, Col. 30, lines 37-63].

Applicant fails to understand what is meant by "these signals and those signals" as stated by the Examiner. Applicant does not see any antecedent basis in the context of the Examiner's above response to offer a valid understanding of "these signals and those signals". Further, applicant points out that the specific functional limitation in applicant's claim 1 recites that the bridge adapter unit translates the public network protocol to LAN protocol.

Applicant respectfully directs the Examiner's attention to items 13-26 of Mr. Belgard's Affidavit. In said paragraphs Mr. Belgard states that incoming public network signals of Goodman are received at Goodman's bridge as Ethernet LAN signals, therefore no conversion could take place as claimed in applicant's invention. Mr. Belgard recites specific portions of Goodman to support his conclusions. Specifically, items 17-20 of Mr. Belgard's Affidavit states that communication line 402 is an incoming line to the bridge adapter unit of Goodman, and Goodman teaches that the Ethernet signals are received on line 402

Applicant argues that clearly, as stated in item 18 of Mr. Belgard's Affidavit, Goodman receives EtherNet signals at the bridge adapter unit, and passes them onto the local network with some frequency conversion or base banding. Therefore, Goodman cannot possibly anticipate all of the limitations recited in applicant's claim 1.

In embodiments of applicant's invention micro-PBX 301 is specifically used for driving the LAN according to LAN protocol, micro-PBX 301 being a converter and bus management system adapted to receive

ATM data for all of the devices to which the micro-PBX is connected, and to route the data in a LAN protocol onto the internal bus. Micro-PBX 301 operates the in-house wiring as a bus system under a multiple access points type protocol, such as Carrier Sense Multi Access/ Collision Detect (CSMA/CD) protocol. This is a protocol type well known in the art that was also the basis of original Ethernet systems. In this system type, the sending device first listens on the bus for line free before sending data, then checks for collision. The inventor has selected this type bus management precisely because it allows use of the existing tree-type wiring structure of phone lines of most homes and businesses. In applicant's invention a bridge adapter unit translates signals incoming to the system from the public network to a LAN protocol, and then translates the signals back to the protocol specifically required by each end point device. The bridge unit of applicant's invention translates all of the incoming signals to the LAN protocol, including telephone signals.

Applicant argues that clearly, Goodman fails to disclose the type of communication management described and claimed in applicant's invention. Applicant cannot see where, in any of the referenced portions of Goodman, it is taught that incoming signals that are not LAN protocol are converted to signals that are LAN protocol.

In view of the above facts, arguments, and the attached Affidavit from the expert witness, applicant believes claim 1 is patentable over the prior art of Goodman. Claims 2, 3 and 4 are then patentable on their own merits, or at least as depended from a patentable claim.

Claim 7 is applicant's method claim analogous to apparatus claim 1, shown above to be patentable over the art cited and applied. The arguments presented above for patentability of claim 1 therefore apply as well to claim 7. Patentability of claim 7 over the art resides in steps (d), which recites translating incoming public network protocol signals to a LAN protocol.

The prior art of Goodman nowhere teaches this step. Claim 7 is therefore patentable over the art cited and applied, and claims 8, 9, 16 and 17 are patentable at least as depended from a patentable claim, or on their merits.

As all of the claims standing for examination as amended have been shown to be patentable over the art of Goodman, applicant respectfully requests reconsideration and that the present case be passed quickly to issue. If there are any time extensions due beyond any extension requested and paid with this amendment, such extensions are hereby requested. If there are any fees due beyond any fees paid with the present amendment, such fees are authorized to be deducted from deposit account 50-0534.

Respectfully Submitted,

Dan Kikinis  
by   
Donald R. Boys  
Reg. No. 35,074

Donald R. Boys  
Central Coast Patent Agency  
P.O. Box 187  
Aromas, CA 95004  
(831) 726-1457